

A/plant

02/22/99
jc525 U.S. PTO

Express Mail Label No. EL121361016US
Date of Deposit: February 22, 1999

KSK:mjc 2/22/99

PLANT PATENT

Attorney's Ref. No. 2747-51635/KSK

jc542 U.S. PTO
09/255107
02/22/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION
TO THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, DC 20231

Transmitted herewith for filing is the plant patent application of:

Inventor(s): Robert B. Harkness and Philip A. Harkness

For: CLIMBER ROSE PLANT NAMED 'HARyup'

Enclosed are:

- ☒ Plant patent application, including Combined Declaration and Power of Attorney (in duplicate);
- ☒ Letter to Assistant Commissioner for Patents;
- ☒ One sheet of drawings (mounted photographs) (in duplicate);
- ☒ An assignment of the invention to: Bear Creek Gardens, Inc.;

TOTAL FILING FEE	\$480.00
------------------	----------

- ☒ A check in the amount of \$520.00 to cover ☒ filing fee and ☒ assignment recordal fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with the filing of this application and recording any assignment filed herewith, or credit overpayment, to Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

09/255107 02/22/99

Express Mail Label No. EL121361016US
Date of Deposit: February 22, 1999

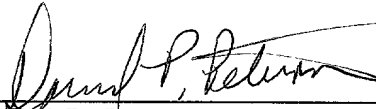
KSK:mjc 2/22/99

PLANT PATENT

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP

By



David P. Petersen

Registration No. 28,106

For Kenneth S. Klarquist
Registration No. 16,445

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

cc: Mrs. Janiece Newell
Keith W. Zary, Ph.D.
Docketing Secretary

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert B. Harkness and Philip A. Harkness

Filed: Herewith

For: CLIMBER ROSE PLANT NAMED 'HARyup'

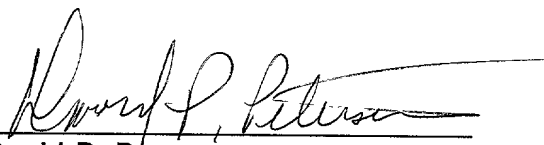
LETTER

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

The Combined Declaration and Power of Attorney filed with the above referenced application claims foreign priority benefits based on a prior foreign application. Request for priority claim is hereby withdrawn, as the filing date of the foreign application is more than one year prior to the filing of this application.

Respectfully submitted,

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP

By 
David P. Petersen
Registration No. 28,106

For Kenneth S. Klarquist
Registration No. 16,445

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

cc: Mrs. Janiece Newell
Keith W. Zary, Ph.D.

CLIMBER ROSE PLANT NAMED 'HARyup'

The present invention relates to a new and distinct variety of rose plant of the climber class which was originated by us by crossing the variety
5 Compassion, not patented, with the variety Congratulations, not patented.

The primary objective of this breeding was to produce a new rose variety having improved floriferousness, improved resistance to disease, vigorous growth habit suitable for a climbing rose, and a novel soft pink flower color. The objective was substantially achieved, along with other desirable
10 improvements, as evidenced by the following unique combination of characteristics that are outstanding in the new variety and that distinguish it from its parents, as well as from all other varieties of which we are aware:

1. Climbing habit - flexible, very long canes;
2. Hybrid tea flower form;
- 15 3. Soft, warm pink flower color;
4. Season-long bloom production (good repeat bloom); and
5. Dark green, glossy, disease resistant foliage.

'HARyup' forms a large climbing rose plant in U.S. Department of
20 Agriculture Zones 5-10. Its long, climbing canes are suitable for training on a trellis. Lateral buds will break freely as the canes are trained along the trellis giving a tremendous show of bloom in the spring followed by good repeat bloom until frost stops growth.

Asexual reproduction of this new variety by budding, as performed
25 at Wasco, California, shows that the foregoing and all other characteristics and distinctions come true to form and are established and transmitted through succeeding propagations.

The accompanying illustration shows typical specimens of the vegetative growth and flowers of this new variety in different stages of
30 development, depicted in color as nearly true as it is reasonably possible to make the same in a color illustration of this character.

-2-

The following is a detailed description of our new rose cultivar with color descriptions using terminology in accordance with the Royal Horticultural Society (London) colour chart, except where ordinary dictionary significance of color is indicated.

5 **Parentage:**

Seed Parent: Compassion (patent not applied for).

Pollen Parent: Congratulations (patent not applied for).

Classification:

Botanical: Rosa Hybrida.

10 Commercial: Climber.

FLOWER

Observations made from specimens grown in a garden environment at Somis, California in January 1996-December 1998.

15 **Blooming Habit:** Continuous.

Bud:

Size: One and one-half inches long when the petals start to unfurl.

Form: The bud form is long, pointed ovoid.

20 Color: When sepals first divide, bud color is Red-Purple Group 58D.

When half blown, the upper sides of the petals are, on the outermost row of petals, Red-Purple Group 58D. The upper sides of the inner petals are Red Group 49C.

25 The lower sides of the petals are on the outermost row of petals, Red-Purple Group 58D. The lower sides of the inner petals are Red Group 49B.

552223 4033263

-3-

Sepals:

Color: Green Group 138C except when exposed to bright sun. Then they have a bronze caste, close to Greyed-Purple Group 183C.

5

Surface texture: Covered in many fine hairs. There are three lightly appendaged sepals. There are two unappendaged sepals with hairy edges.

Receptacle:

10

Color: Greyed-Purple Group 183C.

Shape: Apple.

Size: Medium, 3/8" x 5/16".

Surface: Smooth.

Peduncle:

15

Length: Short, 1 to 1-1/2 inches.

Surface: Glandular.

Color: Greyed-Purple Group 183C to 183D.

Strength: Weak, bending.

Bloom:Size:

Large. Average open size is four inches.

Borne:

20

Singly and several together in rounded clusters of three to five blooms.

Stems:

Strength: Strong. Average length is about twelve to fourteen inches when they come off of the long climbing canes which are four to seven feet in length.

25

Form:

When first open: High-centered.

Permanence: Retains its form to the end, outer petals curl back.

Petalage:

Number of petals under normal conditions: 20.

Color:

30

The upper sides of the petals are, on the outermost row, Red-Purple Group 58D. The

-4-

upper sides of the inner petals are Red Group 49C.

The reverse sides of the petals are, on the outermost row, Red-Purple Group 58D. The reverse side of the inner petals are Red Group 49B.

The base of each petal has on the upper side a large (1/4" x 3/8") half moon, close to Yellow Group 6C. The lower side of each petal has a small (1/4" x 3/16") half moon, close to Yellow Group 2C.

The major color on the upper side is Red Group 49C.

Variegations:

Occasional spots on the petals where damage from wind or insects has occurred.

Discoloration:

The general tonality at the end of the first day:
No change.

At the end of the third day: Little if any change.

By day 5, the color will fade to Red Group 49D except on the outermost petal row which fades to Red-Purple Group 62C.

Fragrance:

Moderate, spicy.

Petals:

Texture:

Thick.

Shape:

Round to oval.

Form:

Tips slightly recurved.

Arrangement:

Imbricated. Petaloids in the center: None.

Persistence:

Petals drop off cleanly before drying.

Lastingness:

On the plant: Fair (about five to six days).

-5-

As a cut flower: Fair (about five to six days).

Reproductive Parts:

5	<u>Anthers:</u>	Size: Large.
		Quantity: Many.
		Color: Orange-Yellow Group 20A.
		Arrangement: Regular around styles.
	<u>Filaments:</u>	Color: Red Group 49D.
10	<u>Pollen:</u>	Color: Not tested.
	<u>Styles:</u>	Color: Red Group 53B.
	<u>Stigmas:</u>	Color: Yellow-White Group 158C.
	Plant:	
15	Form:	Climber.
	Growth:	Vigorous. Height of mature plant is ten feet, width is twelve to fourteen feet, trained upright and arching on a trellis.
	Foliage:	Number of leaflets on normal mid-stem leaves: 5.
20	<u>Size:</u>	Large (5-1/2" long x 4-1/2" wide).
	<u>Quantity:</u>	Abundant.
	<u>Color:</u>	New foliage: Upper and lower surfaces: Greyed-Purple Group 183B
		Old foliage: Upper surface: Green Group 137A.
25		Lower surface: Yellow-Green Group 146B.
	Leaflets:	
	<u>Shape:</u>	Pointed oval.
	<u>Texture:</u>	Leathery, glossy.
	<u>Edge:</u>	Serrated.
	<u>Serration:</u>	Single, small.
	<u>Petiole Rachis:</u>	Color: Yellow-Green Group 146B.
30	<u>Petiole Underside:</u>	Smooth.

-6-

Stipules: Long, (about one inch), serrated.
Disease Resistance: Resistant to mildew and rust under normal growing conditions. Susceptible to blackspot.

Wood:

5 New Wood: Color: Greyed-Purple Group 183B.
 Bark: Smooth.

Old Wood: Color: Yellow-Green Group 146B, but will
 color in bright sunlight to Greyed-Red Group
 178A.

10 Bark: Smooth.

Prickles:

Quantity: On main canes from base: Ordinary.
 On laterals from main canes: Ordinary.

Form: Hooked downward.

15 Color when Young: Greyed-Purple Group 183B.
 Color when Mature: Greyed-Orange Group 166A.

Small Prickles:

Quantity: On main stalks: None.
 On laterals: None.

20

66221 2073250

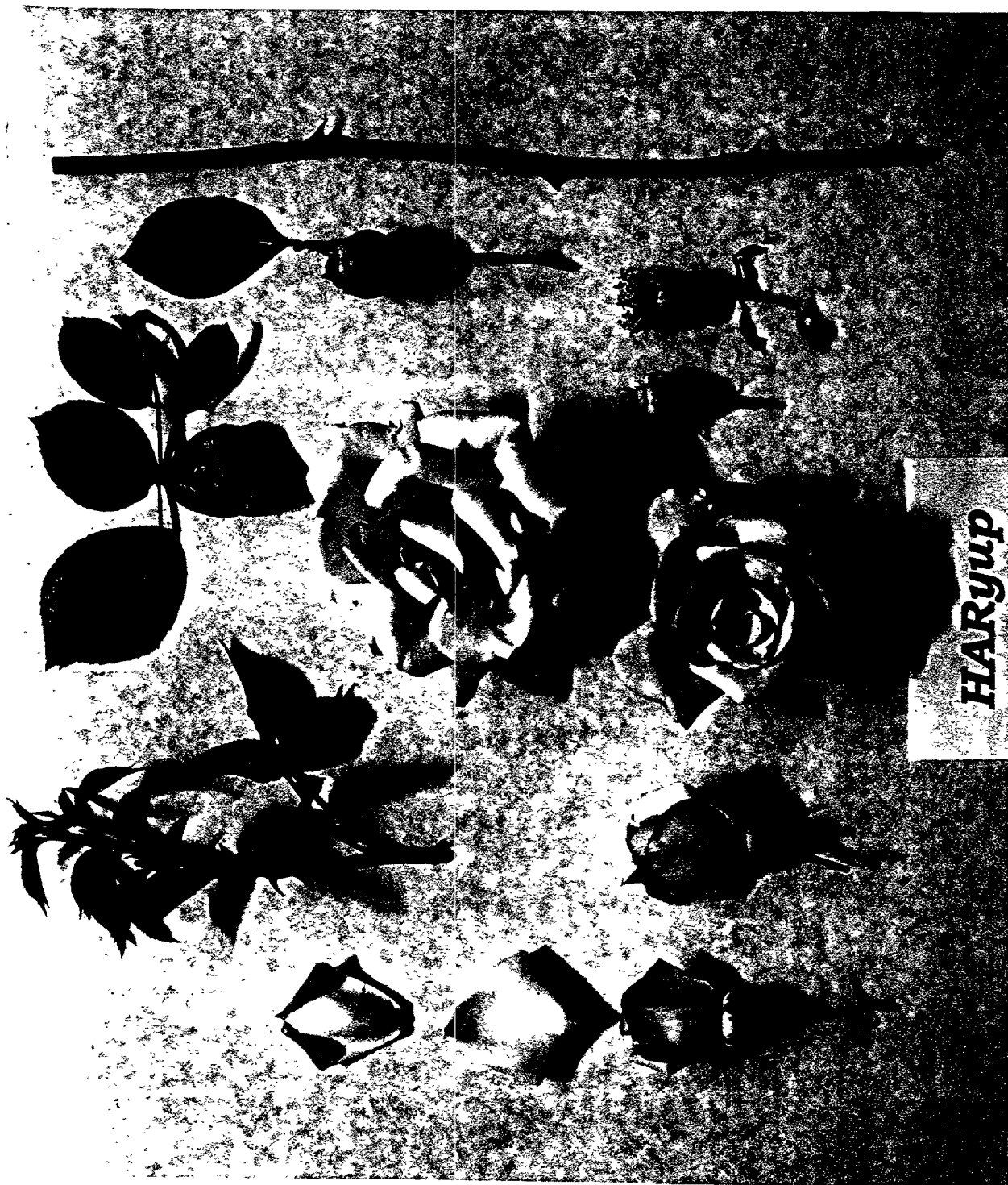
I CLAIM:

A new and distinct variety of rose plant of the climber class, substantially as herein shown and described, characterized particularly by improved floriferousness, improved resistance to disease, vigorous growth habit suitable for a climbing rose, and a novel soft pink flower color.

[illegible]

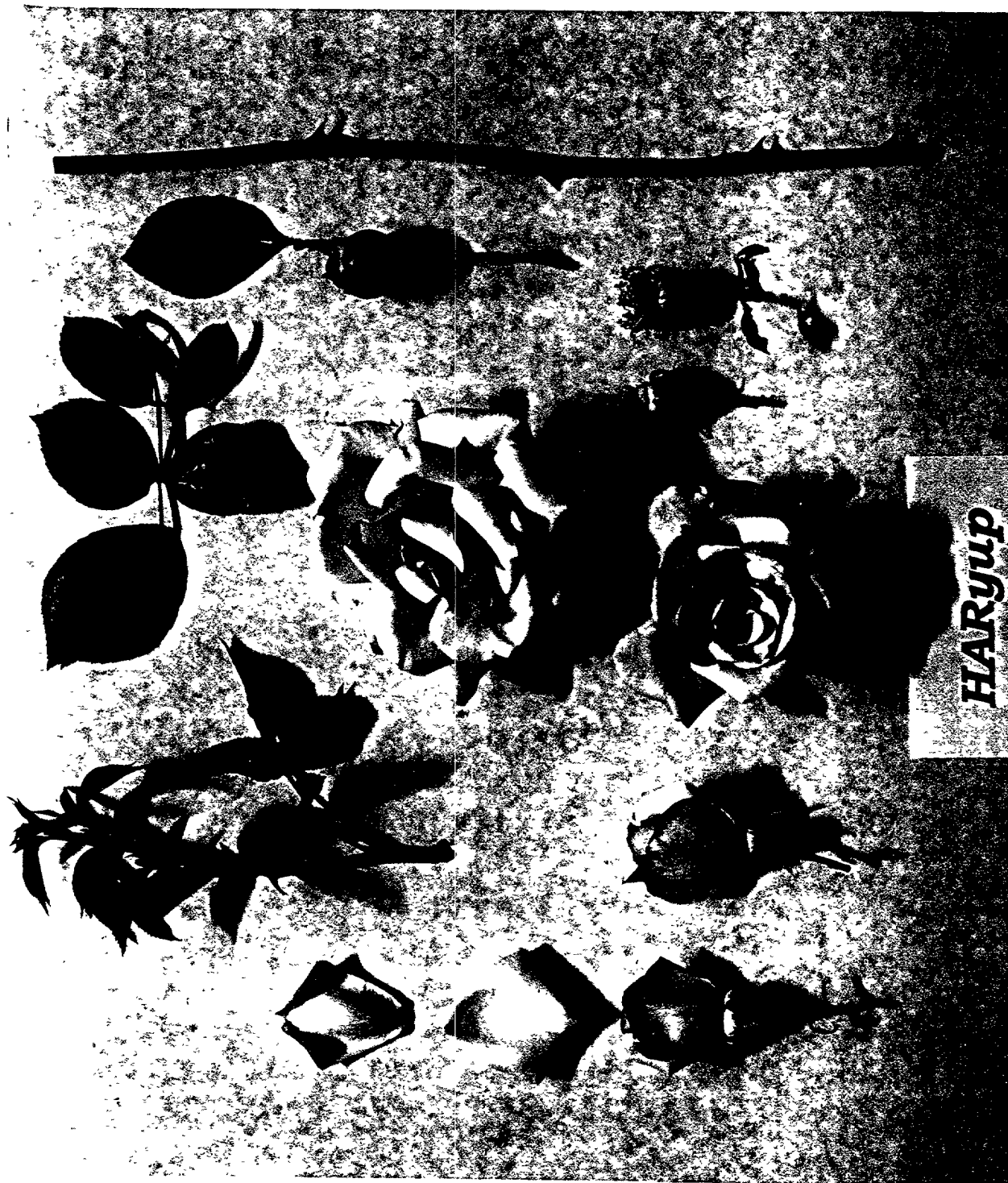
Climber rose plant having improved floriferousness, improved resistance to disease, vigorous growth habit suitable for a climbing rose, and a novel soft pink flower color.

09255107 032299



HARYP

66220" 2055250



COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PLANT PATENT APPLICATION (Joint Inventor)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am an original, first and joint inventor of a new and distinct variety of climber rose plant named 'HARyup' which is claimed and for which a plant patent is sought, the specification of which is attached hereto, and that I have reviewed and understand the contents of the above identified specification, including the claim.

I hereby state that I did asexually reproduce the new and distinct variety.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent, plant breeders rights certificate, or inventor's certificate listed below and have also identified below any foreign application for patent, plant breeders rights certificate, or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed Reg. No/
Date

5/1357
(Number)

UK
(Country)

20/09/92
(Day/Month
/Year Filed)

☒ Yes No

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

Name	Reg. No.	Name	Reg. No.
Kenneth S. Klarquist	16,445	Stephen A. Wight	37,759
James Campbell	19,978	Joel R. Meyer	37,677
James S. Leigh	20,434	Joseph T. Jakubek	34,190
Arthur L. Whinston	19,155	Robert F. Scotti	39,830
David P. Petersen	28,106	Gregory V. Bean	36,448
Richard J. Polley	28,107	David J. Earp	41,401
Ramon A. Klitzke II	30,188	Lisa M. Caldwell	41,653
William Y. Conwell	31,943	Michael D. Jones	41,879
Mark L. Becker	31,325	Steven D. Yates	42,242
William D. Noonan	30,878	Gregory L. Maurer	P43,781
John D. Vandenberg	31,312	Adam W. Bell	P43,490
John W. Stuart	24,540	Paula A. DeGrandis	P43,581
Donald L. Stephens Jr.	34,022	Donna J. Coningsby	41,684
Stacey C. Slater	36,011	Michael P. Girard	38,467
Garth A. Winn	33,220		

662220 2013350

Address all telephone calls to Kenneth S. Klarquist at telephone number (503) 226-7391.

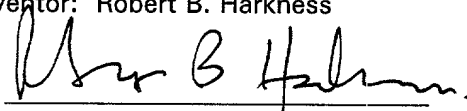
Address all correspondence to:

KLARQUIST SPARKMAN CAMPBELL
LEIGH & WHINSTON, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Robert B. Harkness

Inventor's signature



Date

26th January 1999

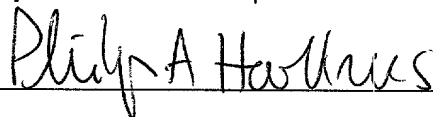
Residence: Mougins, France

Citizenship: British

Post Office address: La Fiorentina, 247 allée de la Traversière, 06250 Mougins, France

Full name of second joint inventor: Philip A. Harkness

Inventor's signature



Date

18/1/99

Residence: Hitchin, Herts, England

Citizenship: British

Post Office address: The Orchard, William Road, Hitchin, Herts, SG4 0JT

662220 2073353